

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**ENV-2024-CHC-36**

**UNDER** The Resource Management Act 1991  
(the **Act/RMA**)

**IN THE MATTER** of an appeal against decisions on the  
non-freshwater planning instrument  
related parts of the Proposed Otago  
Regional Policy Statement 2021  
(**PORPS 2021**)

**BETWEEN** **TE RŪNANGA O MOERAKI, KĀTI  
HUIRAPA RŪNAKA KI PUKETERAKI,  
TE RŪNANGA O ŌTĀKOU AND  
HOKONUI RŪNANGA**

**First Appellants**

(continued...)

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**NOTICE OF FORESTRY SUBMITTERS WISH TO BE PARTY TO  
PROCEEDINGS**

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**GALLOWAY COOK ALLAN LAWYERS**

Phil Page/Aengus Griffin

Phil.Page@gallowaycookallan.co.nz

Gus.Griffin@gallowaycookallan.co.nz

PO Box 143

Dunedin 9054

Ph: +64 (03) 477 7312

Fax: (03) 477 5564

**AND**                    **TE AO MARAMA INCORPORATED  
ON BEHALF OF WAIHOPAI  
RŪNAKA, TE RŪNANGA O  
ŌRAKA APARIMA, AND TE  
RŪNANGA O AWARUA**

**Second Appellants**

**AND**                    **TE RŪNANGA O NGĀI TAHU**

**Third Appellants**

**AND**                    **OTAGO REGIONAL COUNCIL**

**Respondent**

**AND**                    **RAYONIER MATARIKI FORESTS,  
CITY FORESTS LIMITED,  
ERNSLAW ONE LIMITED, PORT  
BLAKELY NZ LIMITED**

**(FORESTRY SUBMITTERS)**

**Section 274 Parties**

**NOTICE OF FORESTRY SUBMITTERS WISH TO BE PARTY TO  
PROCEEDINGS**

To: Registrar

Environment Court

Christchurch

1. We, Rayonier Matariki Forests Limited, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited (together the **Forestry Submitters**), wish to be a party to the following proceeding:

(a) *Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Ao Marama Incorporated, Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua, Te Rūnanga o Ngāi Tahu v Otago Regional Council.*

2. The Environment Court's reference number for these proceedings is ENV-2024-CHC-36.

3. The Forestry Submitters made original and further submissions on Otago Regional Council's Proposed Otago Regional Policy Statement 2021 (**Decisions Version**), which is the subject of the proceedings.

4. The Forestry Submitters are not a trade competitor for the purposes of section 308C or 308CA of the Act.

5. The Forestry Submitters are interested in all the proceedings. Without limiting the generality of the Forestry Submitters' interest, they are interested in the following particular issues:

(a) Interpretation – Definitions – 'Māori land' and 'Papakāika'

(b) MW – *Mana whenua* – MW-P4 – Sustainable use of Native Reserves and *Māori land*

(c) CE – Coastal environment policies relating to use of Māori land and rakatirataka

(d) LF-LS – *Land* and soil – UFD-O4 – Development in *rural areas*

- (e) IM – Integrated management: IM-O3 – Sustainable impact; IM-P1 – Integrated approach to decision-making; IM-P6 – Managing uncertainties; IM-P12 – Contravening limits for climate change mitigation and climate change adaptation; and IM-P14 – Sustaining resource potential
  - (f) CE – Coastal environment: CE-O5 – Activities in the coastal environment; CE-P3 – *Coastal water* quality; CE-P11 – Aquaculture; CE-P12 – *Reclamation* and de-reclamation; NEW POLICY to manage discharges into the coastal environment.
  - (g) HCV – Historical and cultural values: HCV-WT-M2 – *Regional plans* and *district plans*
  - (h) HAZ-CL – *Contaminated land*: HAZ-CL-P18 – *Waste* facilities and services
6. The Forestry Submitters *oppose* the relief sought:
- (a) Generally, where it is inconsistent with the Act (particularly Part 2), National Policy Statements or the National Environmental Standards for Commercial Forestry (**NESCF**);
  - (b) Generally, where the relief sought is unclear, unjustified, potentially broad in scope or where the costs and benefits are unquantified;
  - (c) Generally, where the relief sought is outside of the scope of the non-freshwater provisions or inconsistent with *Port Otago v Environmental Defence Society* [2023] NZSC 112;
  - (d) Definitions – ‘Māori land’ and ‘Papakāika’ and MW-P4: These definitions have been expanded in a way that makes it difficult for adjacent landowners to know the status of neighbouring land. The costs and benefits and the broader MW-P4 policy approach have not been assessed or justified. The relief sought appears to disapply the RMA which is ultra vires.

- (e) IM-O3: 'safeguard' is synonymous with 'protect' and the relief sought in relation to this policy is inconsistent with Part 2 of the Act and unjustified.
- 7. The Forestry Submitters *support* the relief sought in:
  - (a) IM-P12: this is consistent and enabling of the carbon sequestration activities undertaken by the Forestry Submitters.
- 8. The Forestry Submitters agree to participate in mediation or other alternative dispute resolution of the proceedings.



Phil Page / Aengus Griffin

Counsel for Forestry Submitters

Date: 77 June 2024

Address for service of person wishing to be a party:

	Galloway Cook Allan Lawyers
	123 Vogel Street
	P O Box 143
	Dunedin 9054
Telephone:	(03) 477 7312
Fax:	(03) 477 5564
Email:	Phil.Page@gallowaycookallan.co.nz
	Gus.Griffin@gallowaycookallan.co.nz

Contact person:	Phil Page (Partner)
	Aengus Griffin (Solicitor)

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.